

Before the
Federal Communications Commission
Washington, D.C. 20554

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APR 11 1997

Federal Communications Commission
Office of Secretary

In the Matter of)

MOBILEMEDIA CORPORATION, et al.)

WT DOCKET NO. 97-115

Applicant for Authorizations and Licensee)
of Certain Stations in Various Services)

To: Chief Administrative Law Judge Joseph Stirmer

WIRELESS TELECOMMUNICATIONS BUREAU'S
REQUEST FOR CLARIFICATION OR MODIFICATION OF ISSUE

1. By Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing for Forfeiture, FCC 97-124 (released April 8, 1997) ("Show Cause Order"), the Commission commenced the instant adjudicatory proceeding to inquire into the qualifications of MobileMedia Corporation ("MobileMedia") to remain a licensee. The Bureau submits that one of the issues specified in the Show Cause Order is sufficiently ambiguous in scope so as to require from the Commission either clarification or modification. In support whereof, the following is shown.¹

¹ This request is being directed to the Chief Administrative Law Judge because, as of this date, no order has been released appointing a presiding judge for this proceeding. It is the Bureau's understanding that, consistent with ¶ 15(b) of the Show Cause Order, this request will be certified to the Commission for disposition.

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2. The issue at paragraph 14(b) of the Show Cause Order, which is the subject of the instant request, requires the Commission:

to determine the facts and circumstances surrounding MobileMedia's submission of its October 15, 1996, Report to the Bureau (including, but not limited to, the identity of all persons who participated in the preparation of the Report and the nature and extent of their participation, including their intent) and whether MobileMedia knowingly made false statements, engaged in misrepresentations, lacked candor, or willfully or repeatedly violated Section 1.17 of the Commission's Rules with regard to the submission of the October 15, 1996, Report to the Bureau.

The Commission designated this issue for hearing on the basis of several representations contained in a report submitted by MobileMedia on October 15, 1996, that raised substantial and material questions of fact concerning MobileMedia's candor with the Commission. Show Cause Order at ¶ 10. The Bureau does not dispute the need for a full, complete, and robust inquiry into the facts and circumstances surrounding MobileMedia's submission of the October 15, 1996, report. Indeed, whether MobileMedia's principals dissembled in their report to the Commission is a matter which is inextricably linked to a determination as to whether the corporate licensee is basically qualified to retain its many authorizations.

3. The issue, however, as it is presently worded, appears to contemplate an inquiry which would include within its scope not only an examination of the representations, actions, and intent of MobileMedia's principals, but also of other persons, including, for example, outside counsel, who may have participated in the preparation of the October 15, 1996, report. The Bureau asserts that issues concerning the candor of the October 15, 1996, report are relevant to the Commission's ultimate determination of the qualifications of MobileMedia to remain a licensee insofar as they relate to the actions, intent, and candor of the corporation's

principals. Paragraph 14(b) of the Show Cause Order is ambiguous concerning whether the Commission intended for this issue to include an inquiry that would extend beyond the corporate licensee and its principals. While it may be necessary to adduce evidence from individuals other than MobileMedia's principals with respect to this issue, the Bureau believes that the Commission should clarify that the focus of the issue at paragraph 14(b) of the Show Cause Order is the candor -- or lack thereof -- of the corporate licensee and its principals.

4. Accordingly, the Bureau respectfully requests that the Commission clarify or, in the alternative, modify the scope of the issue at paragraph 14(b) of the Show Cause Order.

Respectfully submitted,
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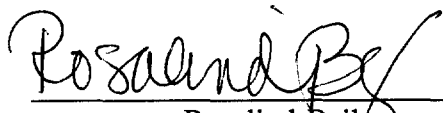
CERTIFICATE OF SERVICE

I, Rosalind Bailey, a secretary in the Enforcement Division, Wireless Telecommunications Bureau, certify that I have, on this 11th day of April 1997, sent by regular First Class United States mail, copies of the foregoing "Wireless Telecommunications Bureau's Request for Clarification or Modification of Issue" to:

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